

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated May 1, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. By means of the present amendment, claims 1-20 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to --wherein--, correcting typographical errors, amending dependent claims to begin with "The" and changing spelling from British to American spelling, as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-20 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicant(s) respectfully request(s) the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, claims 1-20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2002/00854463 to Minemura ("Minemura"). It is respectfully submitted that claims 1-8 are allowable over Minemura for at least the following reasons.

While it may be true that Minemura writes data once and then rewrites the data another time (see, FIG. 15, step 4), Minemura does this because Minemura found that (emphasis added) "a first writing of a media may give an unsettled error count plot, whereas second and subsequent writings give error count plots which more closely resemble an ultimate (i.e. multiple-writing stabilized) error count plot." (See, Minemura, paragraph [0061].) Accordingly, Minemura merely teaches rewriting of data multiple times to provide a more stable error count plot. In fact Minemura discards the first writing of data since Minemura teaches that the first writing of the data produces an unstable error count plot.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Minemura. For

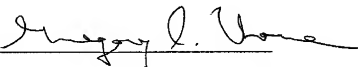
example, Minemura does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "writing a reference data pattern using a reference set of write parameters of the laser device to the test region, and a measurement data pattern using a measurement set of write parameters of the laser device to the test region; measuring jitter values for the reference and measurement data patterns; and selecting an optimum operating set of write parameters of the laser device for writing data to the optical storage medium in dependence upon the measured reference and measurement jitter values, the optimum set of write parameters minimizing the jitter value for the optical storage medium" as recited in claim 1, and as similarly recited in claim 11.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 11 are patentable over Minemura and notice to this effect is earnestly solicited. Claims 2-10 and 12-20 respectively depend from one of claims 1 and 11 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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